



General Assembly

February Session, 2002

Amendment

LCO No. 4911

HB0575904911HD0

Offered by:

REP. LAWLOR, 99th Dist.

REP. SAN ANGELO, 131st Dist.

REP. GODFREY, 110th Dist.

REP. STONE, 134th Dist.

To: Subst. House Bill No. 5759

File No. 462

Cal. No. 305

"AN ACT CONCERNING ACTS OF TERRORISM."

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. (NEW) (*Effective October 1, 2002*) (a) A person is guilty of
4 an act of terrorism when such person, with intent to intimidate or
5 coerce the civilian population or a unit of government, commits a
6 felony involving the unlawful use or threatened use of physical force
7 or violence.

8 (b) When any person has been found guilty of an act of terrorism,
9 and the court is of the opinion that such person's history and character
10 and the nature and circumstances of such person's criminal conduct
11 indicate that an increased penalty will best serve the public interest,
12 the court shall, in lieu of imposing the sentence authorized for the
13 crime under section 53a-35a of the general statutes, impose the

14 sentence of imprisonment authorized by said section for the next more
15 serious degree of felony.

16 Sec. 2. (NEW) (*Effective October 1, 2002*) Any person who fabricates,
17 in any manner, (1) a weapon designed or intended to cause death or
18 serious physical injury by the release, dissemination or impact of toxic
19 or poisonous chemicals or their precursors, (2) a weapon involving a
20 disease organism, or (3) a weapon designed to release radiation or
21 radioactivity at a level dangerous to human life, other than a person
22 engaged in the manufacture of such weapons for lawful purposes,
23 shall be guilty of a class B felony.

24 Sec. 3. (NEW) (*Effective October 1, 2002*) (a) A person is guilty of
25 hindering prosecution in the first degree when such person renders
26 criminal assistance to another person who has committed a class A or
27 B felony or an unclassified felony for which the maximum penalty is
28 imprisonment for more than ten years and such other person
29 committed such felony with intent to intimidate or coerce the civilian
30 population or a unit of government.

31 (b) Hindering prosecution in the first degree is a class C felony and
32 any person found guilty under this section shall be sentenced to a term
33 of imprisonment of which five years of the sentence imposed may not
34 be suspended or reduced by the court.

35 Sec. 4. Section 53a-166 of the general statutes is repealed and the
36 following is substituted in lieu thereof (*Effective October 1, 2002*):

37 (a) A person is guilty of hindering prosecution in the [first] second
38 degree when [he] such person renders criminal assistance to [a]
39 another person who has committed a class A or class B felony or an
40 unclassified [offense] felony for which the maximum penalty is
41 imprisonment for more than ten years.

42 (b) Hindering prosecution in the [first] second degree is a class D
43 felony.

44 Sec. 5. Section 53a-167 of the general statutes is repealed and the
45 following is substituted in lieu thereof (*Effective October 1, 2002*):

46 (a) A person is guilty of hindering prosecution in the [second] third
47 degree when [he] such person renders criminal assistance to [a]
48 another person who has committed a class C or class D felony or an
49 unclassified [offense] felony for which the maximum penalty is
50 imprisonment for ten years or less but more than one year.

51 (b) Hindering prosecution in the [second] third degree is a class A
52 misdemeanor.

53 Sec. 6. Section 53a-165 of the general statutes is repealed and the
54 following is substituted in lieu thereof (*Effective October 1, 2002*):

55 As used in sections 53a-166 and 53a-167, as amended by this act,
56 and section 3 of this act, a person "renders criminal assistance" when,
57 with intent to prevent, hinder or delay the discovery or apprehension
58 of, or the lodging of a criminal charge against, [a] another person
59 whom [he] such person knows or believes has committed a felony or is
60 being sought by law enforcement officials for the commission of a
61 felony, or with intent to assist [a] another person in profiting or
62 benefiting from the commission of a felony, [he] such person: (1)
63 Harbors or conceals such other person; or (2) warns such other person
64 of impending discovery or apprehension; or (3) provides such other
65 person with money, transportation, weapon, disguise or other means
66 of avoiding discovery or apprehension; or (4) prevents or obstructs, by
67 means of force, intimidation or deception, [anyone] any person from
68 performing an act which might aid in the discovery or apprehension of
69 such other person or in the lodging of a criminal charge against [him]
70 such other person; or (5) suppresses, by an act of concealment,
71 alteration or destruction, any physical evidence which might aid in the
72 discovery or apprehension of such other person or in the lodging of a
73 criminal charge against [him] such other person; or (6) aids such other
74 person to protect or expeditiously profit from an advantage derived
75 from such crime.

76 Sec. 7. (NEW) (*Effective October 1, 2002*) (a) A person is guilty of
77 damage to public transportation property for terrorist purposes when
78 such person, with intent to cause damage to bus, railroad or other
79 public transportation property or to cause an interruption or
80 impairment of transportation service rendered to the public, and with
81 intent to intimidate or coerce the civilian population or a unit of
82 government, damages such property or tampers with such property
83 and thereby causes such property to be placed in danger of damage.

84 (b) Damage to public transportation property for terrorist purposes
85 is a class C felony.

86 Sec. 8. (NEW) (*Effective October 1, 2002*) (a) A person is guilty of
87 contaminating a public water supply or food supply for terrorist
88 purposes when such person, with intent to intimidate or coerce the
89 civilian population or a unit of government, introduces a hazardous
90 substance into (1) any storage reservoir or distribution reservoir, as
91 those terms are defined in section 25-43 of the general statutes, or any
92 lake or pond, or any stream tributary thereto, that is used for
93 supplying the inhabitants of a town, city or borough with water, or (2)
94 any source or supply of food, as defined in section 21a-92 of the
95 general statutes, that is intended for human consumption.

96 (b) For the purposes of this section, "hazardous substance" means
97 any physical, chemical, biological or radiological substance or matter
98 which, because of its quantity, concentration or physical, chemical or
99 infectious characteristics, may cause or significantly contribute to an
100 increase in mortality or an increase in serious irreversible or
101 incapacitating reversible illness, or pose a substantial present or
102 potential hazard to human health.

103 (c) Contaminating a public water supply or food supply for terrorist
104 purposes is a class C felony and any person found guilty under this
105 section shall be sentenced to a term of imprisonment of which five
106 years of the sentence imposed may not be suspended or reduced by
107 the court.

108 Sec. 9. (NEW) (*Effective October 1, 2002*) (a) A person is guilty of
109 computer crime in furtherance of terrorist purposes when such person,
110 with intent to intimidate or coerce the civilian population or a unit of
111 government, commits computer crime, as defined in section 53a-251 of
112 the general statutes, or commits a violation of any provision of section
113 53-451 of the general statutes.

114 (b) Computer crime in furtherance of terrorist purposes is a class B
115 felony and, if such offense is directed against any public agency, as
116 defined in section 1-200 of the general statutes, as amended, that is
117 charged with the protection of public safety, five years of the sentence
118 imposed may not be suspended or reduced by the court.

119 Sec. 10. (NEW) (*Effective October 1, 2002*) (a) A person is guilty of
120 criminal misrepresentation when such person, with intent to
121 intimidate or coerce the civilian population or a unit of government
122 and with respect to any criminal matter under investigation by an
123 agency or official of the state or any political subdivision of the state,
124 knowingly and wilfully (1) falsifies, conceals or covers up a material
125 fact by any trick, scheme or device, (2) makes any materially false,
126 fictitious or fraudulent statement or representation, or (3) makes or
127 uses any false writing or document knowing the same to contain any
128 materially false, fictitious or fraudulent statement or entry, and such
129 act materially impairs such investigation.

130 (b) Criminal misrepresentation is a class C felony.

131 Sec. 11. Section 54-47b of the general statutes is repealed and the
132 following is substituted in lieu thereof (*Effective October 1, 2002*):

133 For the purposes of sections 54-47a to 54-47h, inclusive, as amended:

134 (1) "Applicant" means any judge of the Superior Court, Appellate
135 Court or Supreme Court, the Chief State's Attorney or a state's attorney
136 who makes an application to a panel of judges for an investigation into
137 the commission of a crime or crimes.

138 (2) "Crime or crimes" means (A) any crime or crimes involving
139 corruption in the executive, legislative or judicial branch of state
140 government or in the government of any political subdivision of the
141 state, (B) fraud by a vendor of goods or services in the medical
142 assistance program under Title XIX of the Social Security Act
143 Amendments of 1965, as amended, (C) any violation of chapter 949c,
144 (D) any violation of the election laws of the state, (E) any felony
145 involving the unlawful use or threatened use of physical force or
146 violence committed with the intent to intimidate or coerce the civilian
147 population or a unit of government, and [(E)] (F) any other class A, B
148 or C felony or any unclassified felony punishable by a term of
149 imprisonment in excess of five years for which the Chief State's
150 Attorney or state's attorney demonstrates that he or she has no other
151 means of obtaining sufficient information as to whether a crime has
152 been committed or the identity of the person or persons who may have
153 committed a crime.

154 (3) "Investigatory grand jury" means a judge, constitutional state
155 referee or any three judges of the Superior Court, other than a judge
156 designated by the Chief Justice to serve on the panel, appointed by the
157 Chief Court Administrator to conduct an investigation into the
158 commission of a crime or crimes.

159 (4) "Panel of judges" or "panel" means a panel of three Superior
160 Court judges designated by the Chief Justice of the Supreme Court
161 from time to time to receive applications for investigations into the
162 commission of crimes in accordance with the provisions of sections 54-
163 47a to 54-47h, inclusive, as amended, one of whom may be the Chief
164 Court Administrator.

165 Sec. 12. Section 42-230 of the general statutes is repealed and the
166 following is substituted in lieu thereof (*Effective October 1, 2002*):

167 No person, firm or corporation shall increase the price of any item
168 which such person, firm or corporation sells or offers for sale at retail
169 at any location in an area which is the subject of any disaster

170 emergency declaration issued by the Governor pursuant to chapter
171 517, any transportation emergency declaration issued by the Governor
172 pursuant to section 3-6b or any major disaster or emergency
173 declaration issued by the President of the United States, until the
174 period of emergency or disaster is declared by the Governor or the
175 President to be at an end. Nothing in this section shall prohibit the
176 fluctuation in the price of items sold at retail which occurs during the
177 normal course of business. Any person, firm or corporation which
178 violates any provision of this section shall be fined not more than
179 ninety-nine dollars. Any violation of the provisions of this section shall
180 be deemed an unfair or deceptive trade practice under subsection (a)
181 of section 42-110b.

182 Sec. 13. Section 54-41b of the general statutes is repealed and the
183 following is substituted in lieu thereof (*Effective October 1, 2002*):

184 The Chief State's Attorney or the state's attorney for the judicial
185 district in which the interception is to be conducted may make
186 application to a panel of judges for an order authorizing the
187 interception of any wire communication by investigative officers
188 having responsibility for the investigation of offenses as to which the
189 application is made when such interception may provide evidence of
190 the commission of offenses involving gambling, bribery, violations of
191 section 53-395, violations of section 21a-277, [or] felonious crimes of
192 violence or felonies involving the unlawful use or threatened use of
193 physical force or violence committed with the intent to intimidate or
194 coerce the civilian population or a unit of government.

195 Sec. 14. (NEW) (*Effective October 1, 2002*) Nothing in chapter 959a of
196 the general statutes shall preclude the receipt in evidence in a court of
197 this state of any intercepted wire communication obtained in
198 conformity with 18 USC 2510 et seq.

199 Sec. 15. Section 7 of public act 01-2 of the November 15 special
200 session is repealed and the following is substituted in lieu thereof
201 (*Effective October 1, 2002*):

202 (a) A person is guilty of threatening in the first degree when such
 203 person (1) threatens to commit [any crime of violence or] any crime
 204 involving the use of a hazardous substance with the intent to terrorize
 205 another person, to cause evacuation of a building, place of assembly or
 206 facility of public transportation or otherwise to cause serious public
 207 inconvenience, or (2) threatens to commit such crime [of violence or
 208 crime involving the use of a hazardous substance] in reckless disregard
 209 of the risk of causing such terror, evacuation or inconvenience.

210 (b) For the purposes of this section, "hazardous substance" means
 211 any physical, chemical, biological or radiological substance or matter
 212 which, because of its quantity, concentration or physical, chemical or
 213 infectious characteristics, may cause or significantly contribute to an
 214 increase in mortality or an increase in serious irreversible or
 215 incapacitating reversible illness, or pose a substantial present or
 216 potential hazard to human health.

217 (c) Threatening in the first degree is a class D felony.

218 Sec. 16. Section 53a-62 of the general statutes, as amended by section
 219 8 of public act 01-2 of the November 15 special session, is repealed and
 220 the following is substituted in lieu thereof (*Effective October 1, 2002*):

221 (a) A person is guilty of threatening in the second degree when: [,
 222 by] (1) By physical threat, such person intentionally places or attempts
 223 to place another person in fear of imminent serious physical injury, (2)
 224 such person threatens to commit any crime of violence with the intent
 225 to terrorize another person, or (3) such person threatens to commit
 226 such crime of violence in reckless disregard of the risk of causing such
 227 terror.

228 (b) Threatening in the second degree is a class A misdemeanor."

This act shall take effect as follows:	
Section 1	<i>October 1, 2002</i>
Sec. 2	<i>October 1, 2002</i>

Sec. 3	<i>October 1, 2002</i>
Sec. 4	<i>October 1, 2002</i>
Sec. 5	<i>October 1, 2002</i>
Sec. 6	<i>October 1, 2002</i>
Sec. 7	<i>October 1, 2002</i>
Sec. 8	<i>October 1, 2002</i>
Sec. 9	<i>October 1, 2002</i>
Sec. 10	<i>October 1, 2002</i>
Sec. 11	<i>October 1, 2002</i>
Sec. 12	<i>October 1, 2002</i>
Sec. 13	<i>October 1, 2002</i>
Sec. 14	<i>October 1, 2002</i>
Sec. 15	<i>October 1, 2002</i>
Sec. 16	<i>October 1, 2002</i>